

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

RACHEL C.,¹

Plaintiff,

v.

MARTIN O'MALLEY,²
Commissioner of Social Security,

Defendant.

Civil No. 4:22cv101

FINAL ORDER

Before the Court is Plaintiff Rachel C.'s action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security ("Commissioner") denying her claim for disability insurance benefits under the Social Security Act. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated March 7, 2023 (ECF No. 11), this matter was referred to United States Magistrate Judge Douglas E. Miller for a Report and Recommendation.

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Martin O'Malley is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d).

On April 5, 2023, Plaintiff filed a motion for summary judgment. ECF No. 13. On May 5, 2023, the Commissioner filed a brief in support of the Commissioner's decision denying benefits. ECF No. 15. On December 4, 2023, Judge Miller filed a report and recommended that Plaintiff's motion for summary judgment be denied and that the Commissioner's final decision be affirmed. ECF No. 16. By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 25.

The Court has received no objections to the report, and the time for filing the same has expired. "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee's Note). Finding no clear error, the Court does hereby accept the findings and recommendations set forth in the report and recommendation of Magistrate Judge Miller.

Accordingly, the Report and Recommendation filed December 4, 2023 is **APPROVED and ADOPTED** in full, Plaintiff's Motion for Summary Judgment (ECF No. 13) is **DENIED**, the decision of the Commissioner is **AFFIRMED**, and this matter is **DISMISSED WITH PREJUDICE**.

The parties are **ADVISED** that an appeal from this Final Order may be commenced by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. This written notice must be received by the Clerk within sixty days from the

date of this Final Order.

The Clerk is **DIRECTED** to please provide a copy of this Order to all parties.

IT IS SO ORDERED.

/s/

Arenda L. Wright Allen
United States District Judge

March 29, 2024
Norfolk, Virginia